

# **EXHIBIT N**

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**Mark:** LA CREMA

**LA CREMA**

**US Serial Number:** 85609199

**Application Filing Date:** Apr. 26, 2012

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page

**Status Date:** Dec. 26, 2012

**Date Abandoned:** Dec. 03, 2012

### Mark Information

**Mark Literal Elements:** LA CREMA

**Standard Character Claim:** Yes The mark consists of standard characters without claim to any particular font style, size, or color

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Translation:** The English translation of LA CREMA in the mark is the cream

### Related Properties Information

**Claimed Ownership of US:** 2393573

**Registrations:**

### Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services

- Brackets [ ] indicate deleted goods/services
- Double parenthesis (( )) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \* identify additional (new) wording in the goods/services

**For:** Alcoholic beverages except beers

**International Class(es):** 033 - Primary Class

**U.S. Class(es):** 047, 049

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 1987

**Use In Commerce:** Oct. 1987

### Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** LC TM Holding, LLC

**Owner Address:** Legal Department  
421 Aviation Blvd  
Santa Rosa, CALIFORNIA 95403  
UNITED STATES

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

### Attorney/Correspondence Information

**Attorney of Record**

DCE015531

**Attorney Name:** Judith M. Schwimmer  
**Attorney Primary Email Address:** [judith.schwimmer@gmail.com](mailto:judith.schwimmer@gmail.com)  
**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** JUDITH M. SCHWIMMER  
 LC TM HOLDING, LLC  
 421 AVIATION BLVD  
 SANTA ROSA, CALIFORNIA 95403-1069  
 UNITED STATES

**Phone:** 707 525-6230

**Correspondent e-mail:** [judith.schwimmer@gmail.com](mailto:judith.schwimmer@gmail.com) [trademark@gmail.com](mailto:trademark@gmail.com)  
[conn.mdept@dplaw.com](mailto:conn.mdept@dplaw.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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**Prosecution History**


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Date	Description	Proceeding Number
Dec. 26, 2012	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Dec. 26, 2012	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
May 30, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 30, 2012	NON-FINAL ACTION E-MAILED	6325
May 30, 2012	NON-FINAL ACTION WRITTEN	72617
May 22, 2012	ASSIGNED TO EXAMINER	72617
May 03, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 30, 2012	NEW APPLICATION ENTERED IN TRAM	

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**TM Staff and Location Information**


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TM Staff Information	
<b>TM Attorney:</b> SNAPP, TINA LOUISE	<b>Law Office Assigned:</b> LAW OFFICE 116
<b>Current Location:</b> TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED	<b>File Location</b>
	<b>Date in Location:</b> Dec 26, 2012

Side - 1



**NOTICE OF ABANDONMENT**  
**MAILING DATE: Dec 26, 2012**

The trademark application identified below was abandoned in full because a response to the Office Action mailed on May 30, 2012 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

**SERIAL NUMBER:** 85609199  
**MARK:** LA CREMA  
**OWNER:** LC TM Holding, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P O BOX 1451  
ALEXANDRIA, VA 22313-1451

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JUDITH M. SCHVIMMER  
LC TM HOLDING, LLC  
421 AVIATION BLVD  
SANTA ROSA, CA 95403-1069

DCE015533



---

**To:** LC TM Holding, LLC ([judith.schvimmer@kjmail.com](mailto:judith.schvimmer@kjmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85609199 - LA CREMA - N/A  
**Sent:** 5/30/2012 12:26:13 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
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[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85609199

**MARK:** LA CREMA

**\*85609199\***

**CORRESPONDENT ADDRESS:**

JUDITH M. SCHVIMMER  
LC TM HOLDING, LLC  
421 AVIATION BLVD  
SANTA ROSA, CA 95403-1069

**CLICK HERE TO RESPOND TO THIS LETTER:**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** LC TM Holding, LLC

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[judith.schvimmer@kjmail.com](mailto:judith.schvimmer@kjmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**  
TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST

DCE015535

RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 5/30/2012**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**REGISTRATION IS REFUSED – MARK IS MERELY DESCRIPTIVE**

Registration is refused because the applied-for mark merely describes a feature of the applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.* In this case, the applicant is using the mark LA CREMA on "alcoholic beverages except beers." The applicant has specifically stated that the English translation of the mark is "the cream." An Internet search conducted on May 22, 2012 resulted in numerous web pages that clearly evidence that "cream" is used as a component of alcoholic beverages. The attached web pages show use of cream in the making of such alcoholic beverages as Cherry Flip, Agent Orange, Chi Chi, Golden Cadillac, Grasshopper, Peaches and Cream, Pussyfoot, and many more. "Cream" is "the fatty part of milk, which rises to the top if the milk is allowed to stand." Collins English Dictionary. A copy of the entry is attached.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1009-10 (Fed. Cir. 1987). Furthermore, the determination of whether a mark is merely descriptive is made in relation to an applicant's goods, not in the abstract. *In re The Chamber of Commerce of the U.S.*, \_\_\_ F.3d \_\_\_, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963-64, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). "A mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if a mark describes only one significant function, attribute, or property. *In re The Chamber of Commerce of the U.S.*, \_\_\_ F.3d \_\_\_, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see In re Oppedahl & Larson LLP*, 373 F.3d at 1173, 71 USPQ2d at 1371.

Please note that the foreign equivalent of a merely descriptive English word or term is also merely descriptive. *In re N. Paper Mills*, 64 F.2d 998, 998, 17 USPQ 492, 493 (C.C.P.A. 1933). Under the doctrine of foreign equivalents, marks with foreign words from modern languages are translated into English to determine descriptiveness. TMEP §1209.03(g); *see Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). The doctrine is applied when it is likely that an ordinary American purchaser would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696; *cf.* TMEP §1207.01(b)(vi)(A). The ordinary American purchaser refers to "all American purchasers, including

those proficient in a non-English language who would ordinarily be expected to translate words into English.” *In re Spirits Int’l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Thomas*, 79 USPQ2d 1021, 1024 (TTAB 2006) (citing J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* §23:26 (4th ed. 2006), which states “[t]he test is whether, to those American buyers familiar with the foreign language, the word would denote its English equivalent.”). Generally, the doctrine is applied when the English translation is a literal and exact translation of the foreign wording.

*See In re Oriental Daily News, Inc.*, 230 USPQ 637, 638 (TTAB 1986) (holding Chinese characters that mean ORIENTAL DAILY NEWS merely descriptive of newspapers); *In re Zazzara*, 156 USPQ 348, 348 (TTAB 1967) (holding PIZZA FRITTE, the Italian equivalent of “fried buns,” incapable for fried dough); TMEP §1209.03(g). Additionally, in this particular instance, the foreign term CREMA resembles and sounds like its English translation. Therefore, purchasers are more readily likely to translate the term CREMA in the mark to “cream.”

If the applicant argues that the proposed mark is not merely descriptive of the identified goods, then in the alternative the applicant’s mark may be found deceptively misdescriptive. The applicant’s mark may be found deceptively misdescriptive if it describes an ingredient, quality, characteristic, function or feature of alcoholic beverages, and the description conveyed by the mark is both false and plausible. *In re Woodward & Lothrop Inc.*, 4 USPQ2d 1412 (TTAB 1987) (holding CAMEO deceptively misdescriptive of jewelry); *In re Ox-Yoke Originals, Inc.*, 222 USPQ 352 (TTAB 1983) (holding G.I. deceptively misdescriptive of gun cleaning patches, rods, brushes, solvents and oils); TMEP §1209.04. As shown by the attached web pages, “cream” is a common ingredient of many alcoholic beverages. Purchasers, upon seeing the applicant’s mark on the relevant goods, could reasonably believe that the goods contain cream. Please note that the examining attorney is aware of the fact that the applicant previously registered the same mark for wine. The distinction between the current application and the applicant’s prior registration is that purchasers are not likely to believe that wine contains cream. In the current application, the identification of goods may include additional alcoholic beverages beside wine.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

#### ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

#### SEARCH RESULTS

The trademark examining attorney has searched the Office’s database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

#### RESPONSE TO OFFICE ACTION

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action



online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at [http://www.uspto.gov/trademarks/teas/e\\_filing\\_tips.jsp](http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp) and email technical questions to [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

*Tina L. Snapp*

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(571) 272-9224  
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**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

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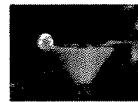
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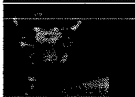
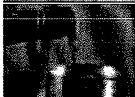






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	Black Russian		Butter-Café		Butter Café
	Brandy Alexander		Brandy Fitz		
	Black Fudge		Screening Legend		

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peaches, **cream**, vodka, peach schnapps, ice[Print Recipe](#)**Orange Drink (Fruit & Alcoholic Drink)**

7/1/12

orange juice, peach schnapps, orange

ice cream, orange juice, peach schnapps, ice, peach slices

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☐ Dairy Free ☐ Gluten Free  
☐ Ovo Vegetarian ☐ Pescatarian  
☐ Vegan

#### Nutrition

**Cholesterol:** No preference

**Fat:** No preference

**Calories:** No preference

**Carbs:** No preference

#### Meal and Time

**Times:** No Preference

**Price:** No Preference

#### Cuisine

☐ American ☐ Unlabeled  
☐ Asian ☐ British  
☐ Desserts ☐ European  
☐ French ☐ Italian  
☐ Mexican ☐ Middle Eastern

#### Language

☐ Arabic ☐ Chinese  
☐ Dutch ☐ German  
☐ Hindi ☐ Japanese  
☐ Korean ☐ Persian  
☐ English ☐ French  
☐ Greek ☐ Hebrew  
☐ Hindi ☐ Italian  
☐ Japanese ☐ Korean  
☐ Moroccan ☐ Russian  
☐ Spanish ☐ Thai

ice, cream or coconut, liqueur, pineapple juice, peach slices

**Fruit Smoothie**

**Blackberry (Alcoholic Drink)**

by [The Food Network](#)

lime juice, maraschino cherry, cherry juice, **heavy cream**, ice,  
pineapple juice, white rum, pineapple

**Fruit Smoothie**

**Blackberry (Alcoholic Drink)**

by [The Food Network](#)

liqueur, **cream**, vodka

**Fruit Smoothie**

**White (Alcoholic Drink)**

by [The Food Network](#)

midori, cream of coconut, pineapple juice

**Fruit Smoothie**

**White (Alcoholic Drink)**

by [The Food Network](#)

**heavy cream**, white creme de cacao, white creme de menthe,  
tequila, ice, cocoa powder

**Fruit Smoothie**

**Blackberry (Alcoholic Drink)**

by [The Food Network](#)

peaches, simple syrup, peaches, **half and half**, alcohol

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[illegible]

**cream, schnapps, chocolate**

10

## Feedback

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## Creamy (and alcoholic) drinks for summer



Patricia Biesen



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It's easy to envy your pals at the bar enjoying their yummy grasshoppers or Dreamcatchers. Most creamy alcoholic drinks like the Brandy Alexander call for 2 oz. of cream. You can substitute cream too thin to substitute so the blended ice cream works better.

What you will do is chill your favorite stemmed cocktail glass with ice and let it sit while you make one of the following cocktails (or more, I won't judge). Fill your blender with ice cream first then add the rest of the ingredients. Blend to nice and creamy. Throw the ice out of your cocktail glass and fill it with the contents from your blender. Of course you can experiment with more or less ice cream or more or less booze. You are the CEO of your creamy cocktail.

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# English Dictionary

## Definition of "cream"

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### Definitions

**noun**

1

a. the fatty part of milk, which rises to the top if the milk is allowed to stand  
n. (as adjective) is cream runs

2

anything resembling cream in consistency: *u. shoe cream*; *beauty cream*

3

the best one or most essential part of something: *pick out the cream of the bunch*; *the cream of the joke*

4

a soup containing cream or milk: *u. cream of chicken soup*

5

any of various dishes, cakes, pastries, etc., containing or containing cream

6

a confection made of fondant or soft fudge, often covered in chocolate

7

See [cream cheese](#)

8

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three in one detergent

Related Terms

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- a. a yellowish-white colour  
b. (as adjective) cream wallpaper

## verb

9. (tr) to skim or otherwise separate the cream from (milk)  
10. (tr) to beat (whisk, egg butter and sugar) to a light creamy consistency  
11. (intr) to form cream  
12. (tr) to add or apply cream to any creamy substance to: to cream one's face to cream coffee  
13. (tr) to sometimes fold by off to take away the best part of  
14. (tr) to separate or cover (vegetables, chicken, etc) with cream or milk  
15. to allow milk, to form a layer of cream on its surface or (of milk) to form such a layer  
16. (tr) along mainly US Canadian Australian to heat thoroughly  
17. (tr) to dump (of a man) to ejaculate during sex

## Alternative Forms

creamlike adjective

## Word Origin

CH from Old French *creme*, from Late Latin *crēmum* 'cream' of Celtic origin influenced by Church Latin *crema* 'ash' *crema* *crema* *crema*

## Synonyms

[View thesaurus entry](#)

- lotion, oil, essence, cosmetic, paste, emulsion, cake, timent, ungent
- best, elite, prima, pick, finest, the crème de la crème,
- off white, grey, yellowish-white

## Translations

British English **cream** Something that is cream in colour is yellowish-white. a cream silk shirt **ADJECTIVE**, a cream silk shirt

[Show more](#)

German **creme** adj

French **crème** adj

German **creme** adj

Chinese **奶油** adj

12 results

- 1. [cream tea](#)
- 2. [ice cream](#)
- 3. [sun cream](#)
- 4. [cold cream](#)
- 5. [cream puff](#)

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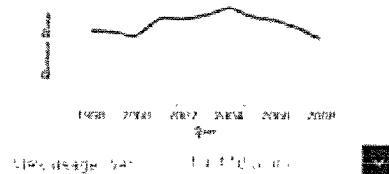
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- 1. [ice](#)
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## Word usage trends for "cream"



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Arabic كريم adj  
 Portuguese creme adj  
 Russian кремёвый adj kremovyy  
 Croatian kremast adj kremasto  
 Czech krémový adj  
 Danish cremetærret adj  
 Dutch crèmeklaving adj  
 Finnish kermatäytteinen adj  
 Greek κρεμώδης adj  
 Italian color crema adj  
 Japanese クリーム adj eo\_posp  
 Korean 크림색 adj  
 Norwegian fløtetærret adj  
 Polish kremowy adj kremowa  
 Brazilian Portuguese creme adj  
 European Spanish color crema adj  
 Swedish gräddtårter adj gräddtårter  
 Thai นุ่ม adj  
 Turkish krem renkli adj  
 Vietnamese màu kem adj

#### ► Usage examples

She saw a patch of cream jacket, some hawk's little snoulder, half an arm, an elbow  
**Mark Russell, CHAMBERLAIN (2002)**

D. C. Helen Bremerton, WA Granfords homemade ice cream hits the spot any time of day  
**WATSON, DODJ**

No. She is thinking that Little Jimmy isn't getting ice cream on his waffles for a week  
**CLUBB AND MARE (2009)**

Anything containing chocolate or whipped cream is also a no-no  
**GLASGOW HERALD (2011)**

Supplements I prescribed a plant based natural progesterone cream for Jane  
**Martin Duda M.D., D.O., WHY CAMCAMS TILLOSE WERENT IS YOUR WERENT GAVE A SYMPTOM OF A HIDDEN HEALTH PROBLEM? (2002)**

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The Concise Oxford American Dictionary

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**To:** LC TM Holding, LLC ([judith.schvimmer@kjmail.com](mailto:judith.schvimmer@kjmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85609199 - LA CREMA - N/A  
**Sent:** 5/30/2012 12:26:14 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

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**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 5/30/2012 FOR  
SERIAL NO. 85609199**

Please follow the instructions below to continue the prosecution of your application:

**TO READ OFFICE ACTION:** Click on this [link](http://portal.uspto.gov/external/portal/tow) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable response time period. Your response deadline will be calculated from 5/30/2012 (or sooner if specified in the office action).

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

**Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.**

\*\*\* User:tsnapp \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	4	0	4	4	0:02	"lc tm holding"[on]
02	506210	N/A	0	0	0:05	(la or the)[bi,ti]
03	7448	N/A	0	0	0:01	*{"ckq"}rem*[bi,ti] or *{"ckq"}ream*[bi,ti]
04	519	0	120	105	0:01	(2 and 3) not dead[lid]
05	11	8	3	2	0:02	*la\${"ckq"}rem*[bi,ti]
06	8	6	2	2	0:01	*la\${"ckq"}ream*[bi,ti]
07	3	2	1	1	0:01	*the\${"ckq"}rem*[bi,ti]
08	5	4	1	1	0:01	*the\${"ckq"}ream*[bi,ti]
09	2244	N/A	0	0	0:02	(*{"ckq"}rem* or {"ckq"}ream*)[bi,ti] not dead[lid]
10	1488	N/A	0	0	0:03	9 and "033"[cc]
11	107	0	41	32	0:01	10 and ("033" or "a" or "b" or "200")[ic]

Session started 5/22/2012 1:33:11 PM

Session finished 5/22/2012 1:44:03 PM

Total search duration 0 minutes 20 seconds

Session duration 10 minutes 52 seconds

Default NEAR limit=1ADJ limit=1

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# LA CREMA





USPTO Form 1001 (Rev. 12-2010)  
 TEAS Plus Application

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 85609199

Filing Date: 04/26/2012

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	<u>LA CREMA</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	LA CREMA
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	LC TM Holding, LLC
INTERNAL ADDRESS	Legal Department
*STREET	421 Aviation Blvd
*CITY	Santa Rosa
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S.)	95403

DCE015555

<b>applicants only)</b>	
<b>PHONE</b>	707-547-4752
<b>EMAIL ADDRESS</b>	trademark@kjmail.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	LIMITED LIABILITY COMPANY
<b>* STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	033
<b>*IDENTIFICATION</b>	Alcoholic beverages except beers
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 10/00/1987
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/00/1987
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<u>SPE0-1-63206126135-140530832 . LA CREMA screen shot with bottle image.pdf</u>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<u>WTICRS\EXPORT1\IMAGEOUT1\856\091\85609199\xml\FTK0003.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	website screen shot.
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION (if applicable)</b>	The English translation of LA CREMA in the mark is the cream.
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	The applicant claims ownership of U.S. Registration Number(s) 2393573.
<b>*CONSENT (NAME/LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	

<b>NAME</b>	Judith M. Schvimmer
<b>FIRM NAME</b>	LC TM Holding, LLC
<b>INTERNAL ADDRESS</b>	Legal Department
<b>STREET</b>	421 Aviation Boulevard
<b>CITY</b>	Santa Rosa
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	95403
<b>PHONE</b>	707-525-6230
<b>EMAIL ADDRESS</b>	judith.schvimmer@kjmail.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Judith M. Schvimmer
<b>FIRM NAME</b>	LC TM Holding, LLC
<b>INTERNAL ADDRESS</b>	Legal Department
<b>*STREET</b>	421 Aviation Boulevard
<b>*CITY</b>	Santa Rosa
<b>*STATE (Required for U.S. applicants)</b>	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	95403
<b>PHONE</b>	707-525-6230
<b>*EMAIL ADDRESS</b>	judith.schvimmer@kjmail.com;trademark@kjmail.com; tmdept@dpf-law.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275

# **SIGNATURE INFORMATION**

<b>* SIGNATURE</b>	/Judith M. Schvimmer/
<b>* SIGNATORY'S NAME</b>	Judith M. Schvimmer
<b>* SIGNATORY'S POSITION</b>	Attorney of record, California State Bar member
<b>SIGNATORY'S PHONE NUMBER</b>	707-525-6230
<b>* DATE SIGNED</b>	04/26/2012

DOC ID: 111734 (v1.2012)  
CLASS: 033 (Alcoholic beverages except beers)

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85609199**

**Filing Date: 04/26/2012**

#### To the Commissioner for Trademarks:

**MARK:** LA CREMA (Standard Characters, see [mark](#))

The literal element of the mark consists of LA CREMA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, LC TM Holding, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

Legal Department,  
421 Aviation Blvd  
Santa Rosa, California 95403  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 033: Alcoholic beverages except beers

In International Class 033, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/00/1987, and first used in commerce at least as early as 10/00/1987, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) website screen shot..

**Original PDF file:**

[SPE0-1-63206126135-140530832 - LA CREMA screen shot with bottle image.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

The applicant claims ownership of U.S. Registration Number(s) 2393573.

The English translation of LA CREMA in the mark is the cream.

The applicant's current Attorney Information:

Judith M. Schvimmer of LC TM Holding, LLC  
Legal Department  
421 Aviation Boulevard  
Santa Rosa, California 95403  
United States

The applicant's current Correspondence Information:

Judith M. Schvimmer  
LC TM Holding, LLC  
Legal Department  
421 Aviation Boulevard  
Santa Rosa, California 95403  
707-525-6230(phone)  
judith.schvimmer@kjmail.com;trademark@kjmail.com; tmdept@dpf-law.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Judith M. Schvimmer/ Date Signed: 04/26/2012  
Signatory's Name: Judith M. Schvimmer  
Signatory's Position: Attorney of record, California State Bar member

RAM Sale Number: 1246  
RAM Accounting Date: 04/27/2012

Serial Number: 85609199  
Internet Transmission Date: Thu Apr 26 14:46:56 EDT 2012

TEAS Stamp: USPTO/FTK-63.206.126.135-201204261446560  
65857-85609199-490c7704545fba3394965976d  
a68ab45c70-DA-1246-20120426140530832746



# LA CREMA

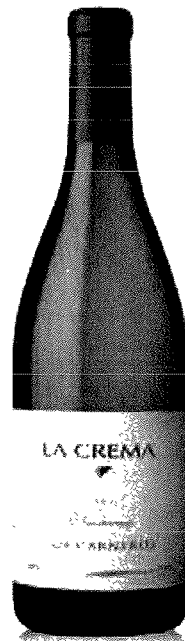
LA CREMA

Home &gt; Store &gt; Our Wines

All Wines &gt; White Wines &gt; Chardonnay &gt; La Crema Chardonnay

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[White Wines](#)
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[La Crema Chardonnay](#)

Vintage  
Vintage  
Flavor Profile  
Rating



## Chardonnay

2011, 2010, 2009

Chardonnay is a white wine grape variety that is grown in many wine regions around the world.

La Crema Chardonnay is a white wine made from Chardonnay grapes. It is a dry wine with a light to medium body. The wine has a crisp, clean taste with notes of apple, pear, and citrus. It is a versatile wine that can be paired with a variety of foods, including seafood, poultry, and pork.

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